

REMARKS

This responds to the Office Action mailed on August 25, 2007.

No claims are amended. Claims 25, 27-35, 37-45, 47, 49, 52-61 are canceled; claims 2, 14, 26, and 36 remain canceled. Claims 1, 3-13, 15-24, 46, 48, 50, and 51 remain withdrawn. Claims 62-72 are added. As a result, claims 62-72 are now pending in this application. No new matter is included in the added claims 62-72.

Telephonic Interview Summary

Applicant thanks Examiner Diaz for extending the courtesy of a helpful telephonic interview with Applicant's representative, John Fischer, on November 20, 2007. During the interview, the instant rejection and potential claim amendments were discussed. Examiner Diaz indicated that claim amendments that conformed to the discussion would overcome the instant references.

§103 Rejection of the Claims

Claims 25, 27-35, 37-45, 47, 49, and 52-61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sultan (U.S. 6,804,657) in view of Mentzer et al. (Mentzer et al., Benchmarking Sales Forecasting Management, Business Horizons May-June 1999, p. 48-56 [Google]).

Applicant has canceled claims 25, 27-35, 37-45, 47, 49, and 52-61, thereby obviating this rejection of these claims.

Applicant respectfully submits that traversing a product data hierarchy and a customer data hierarchy to determine what forecast data is presented to a user, as presently claimed, is not shown in Sultan and/or Mentzer. Thus, based on this observation and the aforementioned Examiner interview, the newly presented claims are believed to overcome the instant references of Sultan and Mentzer and be in allowable form.

Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action; however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6909 to facilitate prosecution of this application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 11-21-2007

By


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CERTIFICATE UNDER 37 CFR 1.8. The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of November 2007.

KIMBERLY BROWN

Name


Signature